

To: Perry H Charley; **Personal Email/Ex. 6** Steve Austin; **Personal Email/Ex. 6**
From: Yee, Wilson
Sent: Fri 8/14/2015 3:22:23 PM
Subject: Important info re: Standard Form 95

Perry,

Our HQ has provided the following clarifications re: claimant rights when filing Standard Form 95:

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

"Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property."

Thanks,

Wilson Yee

Life Scientist, Project Manager

Tribal Lands Cleanup Section (SFD-6-2)

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"Water is the most critical resource issue of our lifetime and our children's lifetime. The health of our waters is the principal measure of how we live on the land." - Luna Leopold

<http://www.epa.gov/region9/superfund/navajo-nation/>